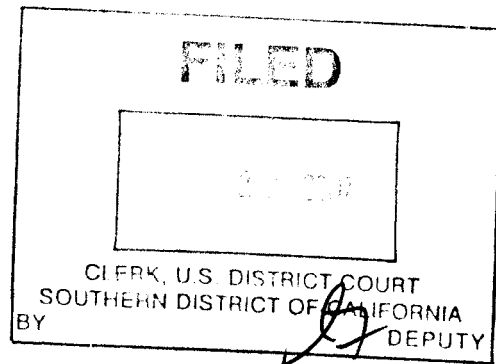


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Attorneys for Plaintiff
UNITED STATES OF AMERICA

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

GLORIA GOMEZ,
aka Maria Garcia-Lopez (2),

Defendant.

Magistrate Case No. 07MJ2845

**STIPULATION OF FACT AND JOINT
MOTION FOR RELEASE OF
MATERIAL WITNESS(ES) AND
ORDER THEREON**

(Pre-Indictment Fast-Track Program)

IT IS HEREBY STIPULATED AND AGREED between the plaintiff, UNITED STATES OF AMERICA, by and through its counsel, Karen P. Hewitt, United States Attorney, and Caroline P. Han, Assistant United States Attorney, and defendant GLORIA GOMEZ, aka Maria Garcia-Lopez, by and through and with the advice and consent of defense counsel, Charles J. Donovan Jr., that:

1. Defendant agrees to execute this stipulation on or before the first preliminary hearing date and to participate in a full and complete inquiry by the Court into whether defendant knowingly, intelligently and voluntarily entered into it. Defendant agrees further to waive indictment and plead guilty to the pre-indictment information charging defendant with a non-mandatory minimum count of Inducing and Encouraging Illegal Aliens and Aiding and Abetting, in violation of 8 U.S.C. § 1324(a)(1)(A)(iv) and (v)(II).

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CPH:es

1 2. Defendant acknowledges receipt of a plea agreement in this case and agrees to
2 provide the signed, original plea agreement to the Government not later than five business days
3 before the disposition date set by the Court.

4 3. Defendant agrees to plead guilty to the charge pursuant to the plea agreement on or
5 before **January 9, 2008**.

6 4. The material witness, Ricardo Manzo-Sanchez, in this case:

7 a. Is an alien with no lawful right to enter or remain in the United States;

8 b. Entered or attempted to enter the United States illegally on or about
9 December 6, 2007;

10 c. Was found in a vehicle driven by codefendant SHELLY ANN HUFF and
11 which defendant was a passenger into the United States at the San Ysidro, California Port of Entry
12 (POE) and that defendant knew or acted in reckless disregard of the fact that he was an alien with
13 no lawful right to enter or remain in the United States;

14 d. Was having others pay on his behalf \$2,000- \$2,500 to others to be brought
15 into the United States illegally and/or transported illegally to his destination therein; and,

16 e. May be released and remanded immediately to the Department of Homeland
17 Security for return to his country of origin.

18 5. After the material witness is ordered released by the Court pursuant to this stipulation
19 and joint motion, if defendant does not plead guilty to the charge set forth above, for any reason, or
20 thereafter withdraws his guilty plea to that charge, defendant agrees that in any proceeding,
21 including, but not limited to, motion hearings, trial, sentencing, appeal or collateral attack, that:

22 a. The stipulated facts set forth in paragraph 4 above shall be admitted as
23 substantive evidence;

24 b. The United States may elicit hearsay testimony from arresting agents
25 regarding any statements made by the material witness(es) provided in discovery, and such
26 testimony shall be admitted as substantive evidence under Fed. R. Evid. 804(b)(3) as statements
27 against interest of (an) unavailable witness(es); and,

1 c. Understanding that under Crawford v. Washington, 124 S. Ct. 1354 (2004),
2 "testimonial" hearsay statements are not admissible against a defendant unless defendant confronted
3 and cross-examined the witness(es) who made the "testimonial" hearsay statements, defendant
4 waives the right to confront and cross-examine the material witness(es) in this case.

5 6. By signing this stipulation and joint motion, defendant certifies that defendant has
6 read it (or that it has been read to defendant in defendant's native language). Defendant certifies
7 further that defendant has discussed the terms of this stipulation and joint motion with defense
8 counsel and fully understands its meaning and effect.

9 Based on the foregoing, the parties jointly move the stipulation into evidence and for the
10 immediate release and remand of the above-named material witness(es) to the Department of
11 Homeland Security for return to their country of origin.

12 It is STIPULATED AND AGREED this date.

13 Respectfully submitted,

14 KAREN P. HEWITT
15 United States Attorney

16 Dated: 12/20/07.

17 *for* M. Phyllis M. Pettit
18 CAROLINE P. HAN
19 Assistant United States Attorney

20 Dated: 12-20-07.

21 Charles J. Donovan Jr.
22 CHARLES J. DONOVAN JR.
23 Defense Counsel for Huff

24 Dated: 12-14-07.

25 Gloria Gomez
26 GLORIA GOMEZ
27 Defendant

ORDER

Upon joint application and motion of the parties, and for good cause shown,

THE STIPULATION is admitted into evidence, and,

IT IS ORDERED that the above-named material witness(es) be released and remanded forthwith to the Department of Homeland Security for return to his country of origin.

SO ORDERED.

Dated: 12/20/07.


United States Magistrate Judge